

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

TAYLOR LOHMEYER LAW FIRM PLLC)	
)	Case No. 5:18-cv-01161-XR
Petitioner,)	
)	
v.)	
)	
UNITED STATES OF AMERICA)	
)	
Respondent/Petitioner,)	
)	
v.)	
)	
TAYLOR LOHMEYER LAW FIRM PLLC)	
)	
Respondent.)	
_____)	

**UNITED STATES' UNOPPOSED MOTION TO REOPEN CASE,
LIFT STAY AND ORDER PRODUCTION OF DOCUMENTS**

The United States moves the Court, pursuant to the Court's Order of October 3, 2019 [D.E. 25], to reopen these district court proceedings, lift the stay that was entered in this matter, and set a date for Petitioner's compliance with the IRS administrative summons at issue. In support, the United States would show as follows:

The United States filed suit on October 4, 2018, requesting *ex parte* leave of the Court to serve the summons at issue, which is directed to the law firm, Taylor Lohmeyer PLLC ("Taylor Lohmeyer"). *In re Tax Liabilities of John Does*, 5:18-mc-1046-XR. The summons commands production of records of clients who employed the services of Taylor Lohmeyer to create or maintain foreign bank accounts, and foreign entities. The Court granted the petition on October 15, 2018. *Id* at D.E. 3. Taylor Lohmeyer filed the instant suit as a Petition to Quash the summons under 26 U.S.C. § 7609(b) on November 6, 2018 [D.E. 1]. The United States moved

to dismiss the petition, and counter-petitioned for enforcement of the summons [D.E. 4]. On May 15, 2019, the Court ordered enforcement of the summons [D.E. 15]. Taylor Lohmeyer filed a motion for stay, pending appeal [D.E. 19], which was granted on October 3, 2019 [D.E. 25]. The Court further directed the Clerk's office to close the case [D.E. 25, pg. 4].

Taylor Lohmeyer appealed the Court's summons-enforcement order to the Fifth Circuit [D.E. 17]. The Fifth Circuit affirmed the decision on April 24, 2020 [D.E. 32]. *Taylor Lohmeyer Law Firm PLLC v. United States*, 957 F.3d 505 (5th Cir. 2020). The Fifth Circuit denied Taylor Lohmeyer's request for rehearing in banc. *Taylor Lohmeyer PLLC v. United States*, 982 F.3d 409 (5th Cir. 2020). Taylor Lohmeyer then filed a petition for writ of certiorari with the United States Supreme Court, which was denied on October 4, 2021. Docket No. 20-1596.

To date, Taylor Lohmeyer has not produced any documents in response to the issued summons.

On December 3, 2021, undersigned counsel discussed re-opening the case, lifting the stay, and a date of compliance with counsel for Taylor Lohmeyer. Counsel for Taylor Lohmeyer is unopposed to re-opening this case, and to lifting the stay. Taylor Lohmeyer is unopposed to a scheduled production date of January 3, 2022.

WHEREFORE, the United States respectfully prays that this Court reopen the proceedings in this matter, lift the stay that was issued, and order production by January 3, 2022.

Respectfully submitted,

DAVID H. HUBBERT
DEPUTY ASSISTANT ATTORNEY GENERAL
U.S. Department of Justice, Tax Division

/s/ Curtis C. Smith
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CERTIFICATE OF CONFERENCE

On December 3, 2021, I spoke telephonically with counsel for Taylor Lohmeyer, who is unopposed to the relief sought, as set forth above.

/s/ Curtis C. Smith
CURTIS C. SMITH

CERTIFICATE OF SERVICE

I certify that the foregoing **UNITED STATES' MOTION TO REOPEN CASE, LIFT STAY AND ORDER PRODUCTION OF DOCUMENTS** was electronically filed on December 8, 2021, via the Court's ECF system, which will send notification of such filing to all counsel of record.

/s/ Curtis C. Smith
CURTIS C. SMITH